

REMARKS

The headings below are numbered to correspond with the heading numbering used by the Examiner in the Office Action.

2-13) Claims 1, 3-4, 6-9, 10, 12-19, 21-22, 24-28, 30, 33-34, 36, 38-40, 42, 45-46, 48, 50-51 are patentable over Capps et al. (6,735,691) in view of Kim (6,546,002).

Regarding Capps et al., the Examiner asserts:

... Capps discloses a format management method for transferring and converting, over a network, a profile of a first specific format, to a second related format with respect to a receiving computer-based device, so that the receiving computer-based device will have a substantially similar operating environment to that associated with said profile, ... (Office Action, page 3.)

However, the Examiner admits:

...Capps does not explicitly disclose c. checking if a platform of said receiving computer-based device supports said first specific format associated with said first directive file, and if said receiving computer-based device requires a second related format;

d. converting said first directive file of said first specific format to a second directive file of said second related format compatible with said receiving computer-based device; and

e. receiving said second directive file of said second related format, compatible with said receiving computer-based device, from said remote storage device to said receiving computer-based device. (Office Action, page 4, emphasis added.)

Kim does not cure this deficiency in Capps et al.

Regarding Kim, the Examiner states:

Kim discloses a system and method that allows user **to access** specific documents, files, programs, applications, URL bookmarks, user profile data, and other menu items **from any computer device located in any geographic location** (Abstract). Kim also discloses Server 150 is used to store applications (documents,

files, programs, bookmarks, or user profile data) that can **be retrieved by mobile interface agent 102** (software module) for the user (col. 7, lines 12-51 and col. 8, lines 24-32), and when a user saves a document from a first computer device in the profile manager, and then later access that document from a second computer device, another feature **of mobile interface agent detects the platform it is running on, the profile manager will convert the document from the first computer device to a proper format** (second computer device) (col. 13, line 35 - col. 14, line 18).

Further, **the mobile interface agent** contacts the profile manager and downloads all of the required user profile, application, data and use them (col. 15, lines 5-25). (Office Action, pages 4-5, emphasis added.)

Initially, Applicants respectfully submit the Examiner has failed to make a prima facie obviousness rejection. Applicants note that to make a prima facie obviousness rejection, the MPEP directs:

BASIC CONSIDERATIONS WHICH APPLY TO OBVIOUSNESS REJECTIONS

When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and
- (D) Reasonable expectation of success is the standard with which obviousness is determined.

MPEP § 2141, eighth edition, Rev. 3, August 2005, p. 2100-125.

It is noted that this directive stated "the following tenets . . . **must be adhered to.**" Accordingly, failure to adhere to any one of these tenets means that a prima facie obviousness rejection has not been made.

The rejection fails to adhere to multiple of these tenets. As demonstrated more completely below, the references have not been considered as a whole and the references do not suggest the desirability of making the combination. Pieces of the

references have been extracted and selectively interpreted in view of Applicants' claims.

Applicants note that Kim as a whole is directed towards a **mobile interface agent** that itself is used to **access** the "specific documents, files, programs, applications, URL bookmarks, user profile data, and other menu items". In stark contrast, the Examiner asserts that Capps et al. teaches "that the receiving computer-based device will have a substantially similar operating environment to that associated with said profile".

Applicants note that if the receiving computer-based device has a substantially similar operating environment to that associated with said profile as the Examiner asserts that Capps et al. teaches, the use of the mobile interface agent of Kim to **access** the "specific documents, files, programs, applications, URL bookmarks, user profile data, and other menu items" of Kim would be unnecessary. Accordingly, Capps et al. and Kim do not suggest, and in fact teach away from, the combination of Capps et al. and Kim as asserted by the Examiner.

Thus, considering Kim as a whole, one of skill in the art would have no motivation to combine Kim's mobile interface agent with Capps et al.

To illustrate, Kim teaches:

The present invention provides a system and method for **using a mobile interface agent to dynamically access** programs, applications, bookmarked URLs, IP addresses, telephone numbers, television channels, radio stations, user profiles, and the like that are specific to a user via any computer type device. The mobile interface agent can be accessible using any computer from any geographical location so long as the computer can be connected to a network. The **mobile interface agent** is basically an agent that allows the user to **access** documents, files, programs, applications, URL bookmarks, IP addresses, telephone numbers, television

channels, radio stations, and other menu items from any computer. (Abstract, emphasis added.)

Applicants respectfully submit that the Examiner is using hindsight reconstruction to deprecate Applicants' claimed invention.

Further, the Examiner has failed to demonstrate that there is a reasonable expectation of success in combining Capps et al. with Kim as set forth by the Examiner.

Specifically, at col. 13, line 53 to line 62, cited by the Examiner, Kim teaches:

When a user saves a **MS Word document** from the Windows 95 PC 600 in the profile manager 134 and then later attempts to access the **MS Word document** from the Apple MacOS machine 610, another feature of MIA is that since it is able to detect/know the platform it is running on and has information about the format of documents that reside on the profile manager, MIA can request a document from the Apple MacOS machine 610 that is converted by the profile manager 134 to the proper format. (Emphasis added.)

Accordingly, Kim teaches that a MS word document is converted. The Examiner has failed to demonstrate that the teaching of conversion of a MS Word document by Kim would provide a reasonable expectation of success in converting a directive file "so that the receiving computer-based device will have a substantially similar operating environment to that associated with said profile".

Accordingly, the Examiner has failed to callout where Capps et al. in view of Kim teaches or suggest:

A format management method for transferring and converting, over a network, a profile of a first specific format, to a second related format with respect to a receiving computer-based device, so that the receiving computer-based device will have a substantially similar operating environment to that associated with said profile, said method comprising:

- a. downloading a software module onto said receiving computer-based device;
- b. identifying via said software module **a first directive file, comprising said profile of said first specific format, located on a remote storage device, said profile comprising application settings, files, and other data associated with an operating environment of a first computer-based device;**
- c. checking if a platform of said receiving computer-based device supports said first specific format associated with said first directive file, and if said receiving computer-based device requires a second related format;
- d. **converting said first directive file of said first specific format to a second directive file of said second related format compatible with said receiving computer-based device;**
- e. receiving said second directive file of said second related format, compatible with said receiving computer-based device, from said remote storage device to said receiving computer-based device, and **said second directive file of said second related format comprising of application settings, files, and other data is installed on said receiving computer-based device such that said receiving computer-based device has a substantially similar operating environment to said operating environment of said first computer-based device associated with said profile,**

as recited in Claim 1, emphasis added.

For at least the above reasons, Claim 1 is allowable over Capps et al. in view of Kim. Claims 3-4, 6-9, which depend from Claim 1, are allowable for at least the same reasons as Claim 1.

Claims 10, 19, 28, and 40 are allowable over Capps et al. in view of Kim for reasons similar to Claim 1. Claims 12-13, 15-18, which depend from Claim 10, are allowable for at least the same reasons as Claim 10. Claims 21-22, 24-27, which depend from Claim 19, are allowable for at least the same reasons as Claim 19. Claims 30, 33-34, 36, 38-39, which depend from Claim 28, are allowable for at least the same reasons as Claim 28. Claims 42, 45-46, 48, 50-51, which depend from Claim 40, are allowable for at least the same reasons as Claim 40.

For the above reasons, Applicants respectfully request reconsideration and withdrawal of this rejection.

14-18) Claims 2, 5, 11, 14, 20, 23, 29, 31-32, 35, 41, 43, 44 and 47 are patentable over Capps et al., Kim and further in view of Daswani et al. (6,477,565).

As set forth above, Claims 1, 10, 19, 28, and 40 are allowable over Capps et al. in view of Kim. Claims 2, 5, Claims 11, 14, Claims 20, 23, Claims 29, 31-32, 35, Claims 41, 43, 44 and 47, which depend from Claims 1, 10, 19, 28, and 40, respectively, are allowable over Capps et al. in view of Kim for at least the same reason as Claims 1, 10, 19, 28, and 40.

Daswani et al. does not cure the previously described deficiencies in Capps et al. and Kim. Accordingly, Claims 2, 5, 11, 14, 20, 23, 29, 31-32, 35, 41, 43, 44 and 47 are allowable over Capps et al., Kim and further in view of Daswani et al.

For the above reasons, Applicants respectfully request reconsideration and withdrawal of this rejection.

19-20) Claims 37 and 49 are patentable over Capps et al., Kim and further in view of Box.

As set forth above, Claims 28 and 40 are allowable over Capps et al. in view of Kim. Claims 37 and 49, which depend from Claims 28 and 40, respectively, are allowable over Capps et al. in view of Kim for at least the same reason as Claims 28 and 40.

Box does not cure the previously described deficiencies in Capps et al. and Kim. Accordingly, Claims 37 and 49 are allowable over Capps et al., Kim and further in view of Box.

For the above reasons, Applicants respectfully request reconsideration and withdrawal of this rejection.

Request for examiner interview.

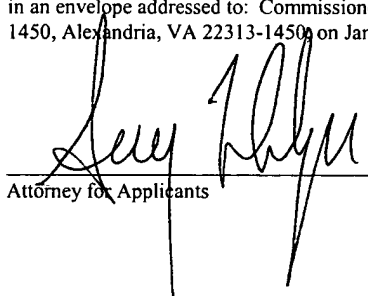
If the Examiner is of the opinion that this Response does not place the application in a condition for allowance, Applicants respectfully request an Examiner Interview to expedite prosecution prior to issuance of the next Communication from the USPTO.

Conclusion

Claims 1-51 are pending in the application. For the foregoing reasons, Applicants respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

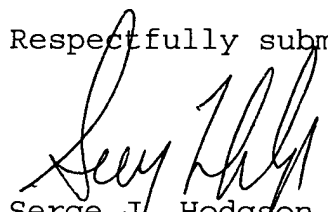
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 31, 2006.


Attorney for Applicants

January 31, 2006
Date of Signature

Respectfully submitted,


Serge J. Hodgson
Attorney for Applicants
Reg. No. 40,017
Tel.: (831) 655-0880